

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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)	
UNITED STATES OF AMERICA)	
)	
v.)	No. 16-cr-10094-LTS
)	
ROSS MCLELLAN,)	
Defendant)	
_____)	

**STATUS REPORT CONCERNING STATUS OF OUTSTANDING DOCUMENT
PRODUCTIONS FROM STATE STREET, THE U.S. INSURANCE COMPANY, AND
NOMURA**

Now comes the Defendant, Ross McLellan, by and through undersigned counsel, and hereby respectfully files this status report updating the Court on the status of outstanding document productions from State Street, the U.S. Insurance Company, and, through the Letters Rogatory pending in the U.K., Nomura.

On April 30, 2018, Mr. McLellan received a partial production of documents from State Street in response to this Honorable Court's March 14, 2018 Rule 17(c) subpoena *duces tecum*. The production contains 11,160 pages that relate solely to the recently added U.S. Insurance Company count. State Street indicated that it will supplement its April 30, 2018 production by the end of this week or early next week with a presently unknown amount of material.

Additionally, Mr. McLellan is waiting on a production of documents from the U.S. Insurance Company, which will be substantial and is likely to exceed thousands of pages. After weeks of negotiating the scope of a document production subpoena with outside counsel for the U.S. Insurance Company, the entity agreed to voluntarily produce, prior to trial, on a rolling

basis ten categories of material documents.¹ On April 10, 2018, counsel for the U.S. Insurance Company indicated that it would be able to prepare the production within 7 to 10 days. To date, Mr. McLellan has not received any of the requested documents. Furthermore, counsel for the U.S. Insurance Company has not responded in over three business days to Mr. McLellan's requests for a status update on the agreed-upon production. In order to acquire the ten categories of material documents, Mr. McLellan intends to file a request for issuance of a Rule 17(c) subpoena *duces tecum* tomorrow, absent a response from the U.S. Insurance Company.

On May 1, 2018, Mr. McLellan's U.K. counsel received a communication from the City of London Police relating to his Letter Rogatory request to Nomura. Nomura indicated that it has gained access to emails from its former transition management team and has, thus far, extracted 260,000 emails. Nomura has requested Mr. McLellan's assistance locating documents relevant to Mr. McLellan's Letters Rogatory request. In response, Mr. McLellan provided Nomura, through the City of London Police, date ranges and email addresses of correspondence that would contain the requested information. Based on Nomura's progress and requests, Mr. McLellan reasonably believes that he will be receiving the requested information from Nomura, but cannot inform the court when. Mr. McLellan has not been informed of any further objections from Goldman Sachs.

Based on the foregoing reasons and for the reasons set forth in Dkt. 339 and 344, Mr. McLellan respectfully requests this Honorable Court to continue trial of this matter to a date in early September, which that does not conflict with the Government counsel's October 29, 2018 trial, and which would allow Mr. McLellan the opportunity to receive, review, and incorporate

¹ Mr. McLellan negotiated the scope of his requests with both State Street and the U.S. Insurance Company in order to avoid any delay in obtaining the information he needs to defend against the newly added charge and to avoid unnecessary litigation.

material and exculpatory documents into his defense from the above-described entities and allow the Letters Rogatory process to continue as to the pending requests in the U.K.

Respectfully Submitted,
Ross McLellan
By His Attorney,

/s/ Martin G. Weinberg
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Dated: May 1, 2018

CERTIFICATE OF SERVICE

I, Martin G. Weinberg, hereby certify that on this date, May 1, 2018, a copy of the foregoing document has been served, via electronic mail, upon Assistant U.S. Attorney Stephen E. Frank and U.S. Department of Justice Trial Attorney William Johnston.

/s/ Martin G. Weinberg
Martin G. Weinberg